

ITEM # \_\_\_\_\_

PREPARED BY: Mike Swift

APPROVED BY: Robert Rowling

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**RESOLUTION TO AMEND THE HIRING FREEZE RESOLUTION, ITEM NO. 40, OF  
JUNE 2, 2008; TO AMEND THE COMPENSATION OR SALARY POLICY  
RESOLUTION, ITEM NO. 32, OF JULY 21, 2008; AND TO RESCIND THE RESOLUTION  
AMENDING THE COMPENSATION OR SALARY POLICY, ITEM NO. 17, OF  
NOVEMBER 3, 2008.  
SPONSORED BY COMMISSIONER J. W. GIBSON.**

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**WHEREAS**, The County desires to reduce its personnel costs by reducing employment through attrition; and

**WHEREAS**, The intent of this resolution is to eliminate hiring by the County from the date of this resolution through June 30, 2010 except for positions critical to the performance of County government; and

**WHEREAS**, There are approximately 220 General Fund vacant positions as well as many vacant positions in other funds, most of which can be eliminated facilitating control of personnel costs, and

**WHEREAS**, Some positions, including some that are currently vacant, are critical to the operations of County government and a mechanism to allow those positions to be filled is necessary; and

**WHEREAS**, Departments requesting reclassifications should provide the funding for any reclassification before a reclassification is considered; and

**WHEREAS**, This Board of Commissioners approved a resolution instituting a hiring freeze including a procedure whereby necessary positions could be filled, as Item No. 40 on June 2, 2008; and

**WHEREAS**, This Board of Commissioners approved a resolution setting the compensation or salary policy of Shelby County Government as Item No. 32, dated July 21, 2008; and

**WHEREAS**, This Board of Commissioners approved a resolution amending the compensation or salary policy of Shelby County Government, to insert the hiring freeze provisions directly into the compensation or salary policy, as Item No. 17 on November 3, 2008; and

**WHEREAS**, This Board of Commissioners desires to make certain changes and improvements to those resolutions and procedures, and to keep these new hiring freeze provisions in the compensation and salary policy.

**NOW THEREFORE BE IT RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE**, That the hiring freeze established by resolution number 40 dated June 2, 2008 is hereby extended to June 30, 2010.

**BE IT FURTHER RESOLVED**, That the June 2, 2008 Hiring Freeze Resolution be and is hereby amended to provide that all civil service positions, whether vacant, permanent or durational, as of January 1, 2009 and not approved to be filled by March 1, 2009 by the Hiring Freeze Committee established by resolution 40 dated June 2, 2008 shall be deleted from the personnel budget for Fiscal Year 2009, and the operating budget shall be amended by the Budget Office of the Finance Department to reduce personnel costs for the position deleted with an offsetting reduction in the lapse time restriction which is a line item in the budget.

**BE IT FURTHER RESOLVED**, That the June 2, 2008 Hiring Freeze Resolution be and is hereby amended to provide that all civil service positions, whether permanent or durational, becoming vacant from January 1, 2009 through June 30, 2010 and not approved to be filled by the Hiring Freeze Committee within 120 days after becoming vacant shall be deleted from the personnel budget for Fiscal Year 2009 and the operating budget shall be amended by the Budget Office of the Finance Department to reduce personnel costs for the position deleted with an offsetting reduction in the lapse time restriction which is a line item in the budget.

**BE IT FURTHER RESOLVED**, That the Hiring Freeze Committee may authorize the accumulation of up to 30 vacant positions in any public safety job classification that requires extensive new hire training such that the normal practice has been to hire a class of 10 or more at a time.

**BE IT FURTHER RESOLVED,** That the hiring freeze and elimination of positions shall not apply to positions funded 100% by grants.

**BE IT FURTHER RESOLVED,** That all positions deleted from the FY2009 personnel budget in accordance with this resolution shall also be deleted from the proposed FY2010 personnel budget, and the FY2010 proposed operating budget shall be amended accordingly.

**BE IT FURTHER RESOLVED,** That the June 2, 2008, Hiring Freeze Resolution be and is hereby amended in its third resolution clause, to delete the provision that positions removed from the department budgets may be reinstated by the Hiring Freeze Committee, and to add that any reinstatement of a position, or creation of a new position, shall require approval by resolution of the Shelby County Board of Commissioners.

**BE IT FURTHER RESOLVED,** That the June 2, 2008, Hiring Freeze Resolution be and is hereby amended to delete the fourth and fifth resolution provisions insofar as they authorize an appeal from the Hiring Freeze Committee to the Shelby County Budget Committee, and to add that decisions of the Hiring Freeze Committee may be overturned only by resolution of the Shelby County Board of Commissioners based on a finding that the position is critical to County operations; provided, however, that nothing in this clause shall prevent the Budget Committee from first hearing the proposed resolution in accordance with the Commission's committee procedure.

**BE IT FURTHER RESOLVED,** That a Department or official making any reclassification requests must demonstrate to the Hiring Freeze Committee that such a reclassification is critical to the operating needs of the County, and that budgeted funds are available to fund the reclassification as certified by the Budget Office to Human Resources in accordance with current policies and procedures established by the Administration to comply with previous resolutions of the Shelby County Board of Commissioners.

**BE IT FURTHER RESOLVED,** That the Resolution amending the compensation or salary policy, Item No. 17, of November 3, 2008, be and is hereby rescinded.

**BE IT FURTHER RESOLVED,** That the Resolution approving a compensation or salary policy, Item No. 32, of July 21, 2008, be and is hereby amended by deleting language that had been inserted by the Resolution amending the compensation policy, Item No. 17, of November 3, 2008, and in its place inserting into Section XVII, p. 20, of the July 21 Compensation Policy the provisions of this Resolution and of the Hiring Freeze Resolution, Item No. 40, of July 21, 2008, as herein amended.

**BE IT FURTHER RESOLVED,** That the terms of this resolution are severable, and any portion declared unlawful shall not affect the remaining portions.

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A C Wharton, Jr.  
Shelby County Mayor

Date: \_\_\_\_\_

ATTEST:

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Clerk of County Commission

ADOPTED: \_\_\_\_\_

## SUMMARY SHEET

### **I. Description of Item**

This resolution amends the Hiring Freeze Resolution that was adopted on June 2, 2008 as Item No. 40. The purpose of this resolution is to reduce personnel costs and the number of County employees by continuing the hiring freeze through June 30, 2010 and eliminating positions from the FY2009 and FY2010 personnel budget that are vacant as of January 1, 2009, and that become vacant from January 1, 2009 through June 30, 2010 and are not approved to be filled by the hiring freeze committee within 120 days of becoming vacant. This resolution does not apply to positions funded 100% by grants and it provides for the accumulation of positions for public safety job classifications that require extensive new hire training.

The proposed budgets for fiscal years 2010 and 2011 include a deficit in the General Fund of \$7,593,004 and \$26,334,886. The FY2010 budget includes \$5 million from the State that we have just been informed we will not get. In addition, the City of Memphis has notified us they are terminating the agreement to jointly fund the Health Department. The fiscal years 2010 and 2011 proposed budgets include \$14.3 million and \$14.8 million from the City of Memphis for their share of funding for the Health Department. Considering these factors and the current economic conditions, the County needs to make a concerted effort to reduce costs.

This resolution also amends the compensation or salary policy, Item No. 32 adopted July 21, 2008, to incorporate the relevant provisions of this resolution as well as those of the Hiring Freeze Resolution, Item No. 40 adopted July 21, 2008. Further, this resolution rescinds Item No. 17 adopted November 3, 2008 which previously amended the compensation or salary policy.

### **II. Source and Amount of Funding**

Not applicable – this resolution reduces costs.

### **III. Contract Items**

Not Applicable.

### **IV. Additional Information Relevant to Approval of this Item**

The Administration recommends approval of this resolution.

It should also be noted that elected officials/appointing authorities have the legal right to fill unclassified non-civil service positions in an approved salary petition. This resolution applies only to civil service positions.